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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Initial reports submitted by States parties to the Covenant concerning rights covered by articles 6 to 9, in accordance with the first stage of the programme established by the Economic and Social Council in its resolution 1988 (LX)

Addendum

SENEGAL

[14 October 1992]

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Part One

GENERAL LEGAL FRAMEWORK FOR THE APPLICATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS IN SENEGAL

Introduction

1. The International Covenant on Economic, Social and Cultural Rights was adopted and opened for signature, ratification and accession by the United Nations General Assembly in resolution 2200 A (XXI) of 16 December 1966. It entered into force on 3 January 1976, in accordance with the provisions of article 27, which stipulates that "the present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession".

2. The Republic of Senegal acceded to the Covenant on 26 December 1977, after Act No. 77-111 of the same date authorized it to do so. The Covenant entered into force for our country in April 1978, in accordance with article 27, paragraph 2. Accession to the Covenant by the Republic of Senegal, as for the other international human rights instruments, bear witness to the unequivocal political will of the authorities to make Senegal a country subject to the rule of the law, in which juridical standards take precedence even over the State itself.

3. It should be remembered that this political will was manifested on the very day Senegal attained international sovereignty, an event marked by the drafting and adoption of a fundamental act on the constitution which established a democratic State founded on the primacy of the law, and more specifically that of human rights, as defined in the 1789 Declaration of the Rights of Man and of the Citizen and the Universal Declaration of Human Rights of 10 December 1948, as well as other similar international instruments which go to make up the International Bill of Human Rights.

National framework

4. The Constitution forms the basis of a democratic and social State founded on the principle of the separation of powers between an executive, composed of a Head of State and a Government, a legislature, whose members are elected by universal suffrage and which is the depositary of national sovereignty, and a judicial branch composed of the judiciary, the Supreme Court and other courts, whose essential role is the protection of human rights and fundamental freedoms.

5. It will be noted that the Constitution does not merely refer to these rights and freedoms in its preamble, but gives them a prominent place in the very body of the text, in articles 6 to 11, which set out and guarantee civil and political rights, and articles 12 to 20, which deal with man's economic, social and cultural rights.

International framework

6. The primacy of the law is also manifested in the Constitution itself, which provides (article 79) that "duly ratified or approved treaties or agreements shall, upon publication, have authority greater than that of laws, subject to the application of each agreement or treaty by the other party".

7. Lastly, it is by virtue of this same principle of primacy of the law that the Republic of Senegal has to date become a party to 26 international human rights instruments, which we deem it appropriate to list in a document as important as the present report. These are, inter alia:

The International Agreement of 18 May 1904 for the Suppression of the White Slave Traffic

The Slavery Convention, signed in Geneva on 28 September 1926

The International Convention for the Suppression of the Traffic in Women of Full Age, signed on 11 October 1933

The Convention on the Prevention and Punishment of the Crime of Genocide, signed on 9 December 1948

The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, approved on 2 December 1949

The Protocol relating to the victims of war, signed in Geneva on 22 August 1949

The Convention relating to the Status of Refugees, adopted on 28 July 1951

The Protocol amending the 1926 Slavery Convention, approved on 23 October 1953

The Convention relating to the Status of Stateless Persons, adopted on 28 September 1954

The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, adopted on 7 September 1956

The Convention against Discrimination in Education, adopted by UNESCO on 14 December 1960

The International Covenant on Economic, Social and Cultural Rights, adopted on 16 December 1966

The International Covenant on Civil and Political Rights, adopted on 16 December 1966

The Optional Protocol to the International Covenant on Civil and Political Rights, adopted on 16 December 1966

The Protocol relating to the Status of Refugees, adopted on 16 December 1966

The OAU Convention on refugees, of 10 September 1969

The International Convention on the Suppression and Punishment of the Crime of Apartheid, adopted on 30 November 1973

The Convention on the Elimination of All Forms of Discrimination against Women, adopted on 18 December 1979

The International Convention against the Taking of Hostages, adopted on 2 June 1990

The African Charter on Human and Peoples' Rights, adopted by OAU on 23 September 1991

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted on 10 December 1984

The International Convention against Apartheid in Sports, adopted on 10 December 1985

The international Convention on the Rights of the Child, adopted on 26 January 1991.

8. The purpose of this enumeration is to indicate that it is by virtue of these fundamental principles, which guide its international policy, and respect for its international commitments, that the Republic of Senegal presents in this document the initial report covering articles 6 to 9 of the International Covenant on Economic, Social and Cultural Rights, in accordance with article 16 of the Covenant.

Part Two

SPECIFIC RIGHTS GUARANTEED BY THE COVENANT

I. The right to work, to employment and to non-discrimination in employment and in vocational training. - Article 6

A. Senegal is a party to four ILO and United Nations conventions

9. It should first be mentioned that the Republic of Senegal is a party to the ILO Employment Policy Convention (No. 122) and the Discrimination (Employment and Occupation) Convention (No. 111). Yearly reports are regularly submitted to and considered by the committee responsible for monitoring the application of these conventions, the most recent having been submitted in 1990.

10. Senegal is a party to the International Convention on the Elimination of All Forms of Racial Discrimination, and is also up to date in submitting its reports on that subject. The same is true of the Convention on the Elimination of All Forms of Discrimination against Women, the most recent report having been submitted in 1991.

11. These four conventions all establish the principle that the right to work includes the right, which every State party must acknowledge within its territory, to free choice of a job which will enable one to earn a decent living.

12. It should be noted that the right to work and to free choice of employment is laid down in article 20 of the Constitution, which states that it will be guaranteed and upheld by law. The law in question is none other than the Labour Code, which deals with the matter by defining forced labour as "work to which an individual is subjected by constraint or under threat of punishment of any kind, and not embarked on by the individual of his own free will" (art. 3). Under article 249, persons breaching article 3 of the Code are liable to a term of imprisonment ranging from six days to three months and a fine of 20,000 to 100,000 CFA francs.

13. The need for such a job to provide a decent living is also guaranteed by statute: every category of job in Senegal is governed by a statute including a wage or salary scale that takes into account both the worker's qualifications and the work performed. The scale can be changed by law or by agreement between the employer and employee.

B. General employment, underemployment and unemployment situation

1. Employment situation, levels and trends

14. Changes in the workforce and its structure in recent years and the growth and structure of output and macroeconomic blocks suggest that the job market will remain out of balance in the short term. The resident population of Senegal in 1992 was put at 7,930,273, meaning that it has more than doubled

in a quarter of a century, from roughly 3 million inhabitants in 1960 to 6,719,384 in 1986 and almost 8 million in 1992. There are a number of features to the demand for jobs which should be indicated in this document.

(a) High degree of economic dependence among the young

15. The population of Senegal is very young, with 46 per cent being under 15 and 65 per cent being under 25 years of age (a total of over 5 million). Although this may be an asset from the point of view of development potential, they remain at present economically dependent on the population in actual employment, which is put at 45 per cent of the potential working population in urban areas or 33 per cent of the population overall.

(b) Uneven distribution of the workforce

16. The problem of changes in the workforce in Senegal is less a matter of demographic pressure than of high yearly growth rates and a poor distribution of the labour force. The imbalance in geographical distribution is particularly obvious because over half of the country's 3.2 million urban dwellers live in the Dakar region, which makes up 0.3 per cent of the total area of the country but has a population density 80 times the national average. This uneven distribution is accentuated by the entry of massive numbers of young people on the job market, and this is putting heavy pressure on the urban employment market.

(c) Rising urban unemployment

17. A recent survey on employment, under-employment and unemployment in the built-up area of the Dakar region (96 per cent) showed the situation to be critical: the unemployed, although down 12 per cent (25,000) in April 1991 from the normal level (149,039), still represented 24.4 per cent (124,743) of the urban workforce, or 32 per cent if one excludes those not actively seeking employment. The "absolute" unemployment level nationwide must be between 19 and 20 per cent, meaning that 300,000 workers are unemployed. In other words, the numbers of unemployed have increased by 5.5 per cent a year between 1976 and 1992, while economic growth has increased on average by 2.2 per cent.

(d) The most vulnerable target groups

18. Young people and women are the most disadvantaged in terms of both job experience and access to training and jobs. Only 39.3 per cent of female workers are in jobs and they make up a small proportion of the working population of 36.1 per cent, while young people account for 50 per cent of overall demand for employment.

(e) The training/employment imbalance

19. Various studies confirm that the lack of basic practical training among almost half of the workforce is a considerable handicap. Most young, inexperienced, jobless individuals will have had at least a primary education (75.5 per cent) but have never learned a trade or acquired a professional skill (67.6 per cent, or 48,373).

(f) The role of the informal urban sector

20. The informal urban sector absorbs the bulk of the excess labour force. Workers habitually in employment and receiving a wage represent only 40 per cent (177,254), less than a third of them in the modern sector, while there are 170,554 self-employed, 60,951 apprentices and 16,296 family members helping in the business in the informal sector. The role played by the informal sector in practical training may explain why among workers in jobs, almost 50 per cent of whom are illiterate, 83.8 per cent have acquired a trade or a skill.

(g) The precarious nature of jobs and underemployment

21. The decline in job quality is reflected in the high rate of underemployment associated with the seasonal nature of certain jobs and the activities of small informal businesses, which has attained a record level of 61 per cent, compared to 12 per cent in larger establishments and businesses. Another factor is that workers who have lost their jobs through sackings, business closures, resignations or end of temporary employment make up 50 per cent of the unemployed.

(h) Rural exodus and the economic attraction of Dakar

22. The economic attraction of the cities, in particular the Dakar region, can be seen in the large population shifts from rural areas and small towns, with the exception of the Tambacounda (1.8 per cent) and Kolda (1 per cent) regions, towards Dakar, which gained 27 per cent (423,959) of its resident population between 1980 and 1990. The number of individuals (61,590) who have spent time abroad is certainly linked to the repatriation and removal from Mauritania to Senegal of 120,000 people, 70,000 of them Senegalese, including over 32,000 workers habitually employed in Mauritania, most of whom have settled in the Saint-Louis, Dakar and Louga regions.

(i) Low productivity and rural incomes

23. In 1992, 58 per cent of the total population was thought to live in the rural areas. Of the rural population, 66 per cent were regarded as potential members of the workforce. Hence the entire active population is considered to be employed, but, obviously, with wide differences in productivity. The primary sector accounted for 67 per cent of the active population in employment, with a high level of underemployment and low productivity, as witnessed by its contribution to GDP (25-28 per cent). This level of output can be considered low by comparison with the potential of the sector and the human resources it employs, allowance being made for mechanization and technological innovations which do not always appear to be accompanied by increases in the areas under cultivation. In view of the uncertain climate, it is difficult to evaluate the influence of farming and environmental conditions (relief, land), cultivation methods, production techniques (mechanization) etc. on farming activity or the effects of changes in production on employment. Traditional activities in the sector admittedly require little technology and are highly labour-intensive, but in farming, too, many jobs have been lost while the rural population has been rising (1.8 per cent).

(j) Job prospects

24. Earlier and recent studies have not yet clearly identified the influence of economic growth on the number of jobs available, and as a result most current demographic projections are more concerned with demand for jobs than with the possible absorptive capacity of the Senegalese economy (1992-1995-2002). It is important to realize what job prospects are available to workers in urban and rural areas, many of whom, paradoxically, are potential migrants, workers who have lost their jobs and, of course, young people without experience looking for their first jobs, for whom the urban informal sector, migration abroad, or temporary and seasonal work in the modern sector presumably represent the only way to get a job and an income.

(k) Situation in the job market and wage costs in the modern sector

25. This will be described, first, as the situation in the market proper, which will be discussed in three sections: the civil service, the public and semi-public sector and the private sector; wage costs will be analysed in terms of staff numbers and wage levels.

Table 1. Trend in number of employees and total salaries in the civil service from 1981/82 to 1985/86

	1981/82	1982/83	1983/84	1984/85	1985/86
Number of employees	68 843	63 011	66 301	67 718	67 034
Annual fluctuation (per cent)	2.8	6.8	5.2	2.1	1.0
Salaries (billions CFA francs)	111.8	83.3	92.7	100.4	106.6

Note: According to IMF data, in 1988, the average number of employees was 67,400, or 9.8 per cent per 1,000 population.

Table 2. Trend in number of employees and total wages and salaries in the semi-public sector in 1986/87

According to the Statistics Department, the number of semi-public enterprises in Senegal was 44 in 1986 and 45 in 1987 with the following numbers of employees:

Excluding seasonal workers: 18,900
Including seasonal workers: 26,500

and total wages and salaries of 33.3 billion CFA francs and 34.8 billion CFA francs respectively.

Note: The average annual cost of permanent staff is 1,760,000 CFA francs per person, representing 8.2 times per capita GDP.

Table 3. Trend in number of employees and total wages and salaries in the private sector in 1986

The private sector workforce numbered 60,194 in 1986, consisting of 43,452 permanent staff and 22,573 seasonal staff in 951 enterprises in all branches combined.

Total wages and salaries paid over the same year (excluding social security costs) was 79,862.9 billion CFA francs, of which 74,635.8 billion was for permanent staff, representing 1,717,600 CFA francs per permanent staff member and an average annual cost of 8 times per capita GDP. Total wages and salaries (including social security costs) was 90,222.3 million CFA francs.

Table 4. Monthly wage and salary costs of Senegalese personnel in industry (CFA francs)

Category	Total	Number	Wages and salaries	Social security costs
Senior management and equivalent	742 000	525	655 000	87 000
Senior technicians and equivalent	458 000	1 193	404 000	54 000
Technicians and overseers	197 000	6 451	174 000	23 000
Clerical and manual workers	92 000	23 940	81 000	11 000

Source: Note de conjoncture de la Caisse Centrale de coopération, March 1990.

Table 5. Comparison of public and private sector pay of the categories listed above CFA francs

Sector	Total wages and salaries
Civil service	135 333
Semi-public sector	146 666
Private sector by category:	
Senior management and equivalent	742 000
Senior technicians and equivalent	458 000
Technicians and overseers	197 000
Clerical and manual workers	92 000

Note: 1 French franc = 50 CFA.

2. Major full-employment policies and measures

26. Any examination of the major employment policies and measures calls first for a description of the underlying economic and social factors. These are major economic aggregates such as the gross domestic product (GDP) and the social situation prevailing in the country.

(a) The major aggregates and the trend in gross domestic product (GDP)

27. In this connection, it should be noted that, despite a continuing high rate of population growth of 2.7 per cent since 1986: (a) the average annual GDP growth rate has been positive; (b) the budget deficit was reduced to 2.6 per cent in 1988 compared with 4 per cent of GDP in 1984; (c) the external deficit was reduced to 9.16 per cent in 1989, as against 17.3 per cent in 1984; and (d) inflation was brought down to 2 per cent in 1989 compared with 12 per cent in 1984.

28. With regard to the labour factor, the activity rate (working population in relation to total population) has continued to fall, dropping from 44 per cent in 1972 to 41 per cent in 1986, as a result of an increasingly younger overall population. Rural employment predominates, accounting for 92 per cent of total employment in 1972. This proportion fell steadily to 89 per cent in 1986 owing to the fact that rural population growth was less rapid than that of the total population (migration, emigration). From 1972 to 1986, rural employment grew at an average annual rate of 2.2 per cent.

29. Employment in the modern public and private sectors accounted for 8 per cent of total employment in 1972, with 3.8 per cent in the public sector (central Government, public authorities and local communities). These proportions rose to 10.9 per cent and 4.6 per cent respectively by 1986 as a result of average annual growth rates of 4.78 per cent for the modern sector as a whole, 4.1 per cent for the public sector and 5.2 per cent for the private sector.

30. However, the weakness of this situation can be seen in the results for 1989, when GDP (constant 1987 prices) amounted to 1,428 billion CFA francs, a drop of 1.6 per cent from 1988 (1,452.3 billion), which in turn represented a rise of 5 per cent from 1987 (1,382.4 billion). This situation prompted the Government to continue with its reforms and at the same time to take measures affecting the basic variables of the national economy (population, natural resources) so as to bring about a complete economic structural transformation.

31. This current extension of policy is aimed in particular at:

(a) Implementation of staff cutting measures and reduction of the total public sector and wages and salaries bill (including a pay freeze until 1992);

(b) Restructuring of the economy through more far-reaching restructuring and rehabilitation until banking institutions have established an adequate financial base to act as the mainspring of activity and general

economic growth, and through the reduction of production costs (energy and wages), which has not been achieved and may explain the emergence of adverse social effects (staff cuts in the public and private sectors) during the implementation of the new industrial policy. It is the Government's belief that, in future, every measure must be taken to make enterprises competitive on both the domestic and foreign markets;

(c) The revival of growth through the promotion of value-added generating sectors by supporting local professional groups and integrated development projects (agriculture-forestry-livestock) and, in the industrial sector, by promoting small and medium-scale enterprises (SME). All these measures must be backed up by improved vocational training;

(d) Implementation of measures to correct the social effects of structural adjustment measures, including:

Creation of a Public Works Executing Agency (AGETIP) to manage a job creation fund, the Office for Integration, Reintegration and Employment (DIRE) to promote the rehabilitation of victims of deflationary measures, which has become a government priority, and it has given approval for the financing of 125 small and medium-scale projects (107 of them led by women) and drawn up a short-term and medium-term employment plan;

Creation of a National Vocational Training Office in 1987 to promote vocational training through research into the various sectors of activity and a proper understanding of vocational training needs;

Setting up a structural link between the labour market and vocational training through the creation of a Ministry of Labour and Vocational Training in March 1990;

(e) The factors limiting economic growth, which must be seen here in terms of productivity. Inefficiency among operative, and sometimes even supervisory, personnel in industry is an obstacle to the modernization of working methods and instruments - for the effectiveness of investments is limited by the lack of adaptability of the personnel called on to implement them - to the improvement of internal communications and to increased production. The relatively large number of workers concerned - some 15,000 - is an indication of the scale of the functional literacy programmes required in order to raise the educational standards of this group. The same problem is encountered in the primary sector, where grass-roots producers (farmers, livestock breeders, forestry workers, craftsmen, rural workers) needing training number about 2,040,000 individuals. The informal sector is not static, but is noted for its dynamism and adaptability. In the light of technological trends and with a view to improving proficiency and productivity, between 300 and 500 entrepreneurs and more than 1,000 apprentices apply for training every year.

(b) Social context

32. The examination of this area will centre on the effects which are seen as constraints and call for very rapid action so as to alleviate the social pressure they create and thus avoid the possibility of a veritable explosion. These include demography and the health and education sectors.

(i) Demographic profile of Senegal

33. On the basis of the General Plan for Economic and Social Development 1989/1995 (Eighth Plan - MPC-198), this profile can be summarized as follows:

(a) Rapid population growth of approximately 3 per cent per year, expected to be maintained until 2005, or even 2010, and then possibly slowing down;

(b) A resident population which numbered about 7 million in 1988, having more than doubled in 30 years (from 3 million in 1960);

(c) Uneven geographical distribution of this population, which is concentrated in the western and central regions, in areas where the soil is depleted and there are acute water problems, while the regions with the greatest water resources have the lowest population densities (between 7 and 30 inhabitants per km^2);

(d) Rapid growth in the urban population, which increased from 23 per cent of the total population in 1960 to 39 per cent in 1988, the main feature being a high concentration in the Dakar area. Migration to the cities is tending to accelerate.

34. The structure of this population by age-group reveals, among other things:

(a) A rapid increase in the school-age population, estimated at 4.5 per cent in 1986, or about 310,000 children attending school each year;

(b) Similarly, the large-scale entry of women into the working population is exerting strong pressure on the labour market in the cities and in some rural areas;

(c) The gross school enrolment rate of 60 per cent in 1989 gave a population of some 400,000 children who do not attend school but who, with time, will generate demand for training.

(ii) Health sector in Senegal

35. The state of health of the inhabitants has improved markedly with the disappearance of the major health hazards. Over a period of 30 years, life expectancy rose by 10 years, from 38 in 1960 to 48 in 1986. The overall mortality rate fell substantially, by 2 per thousand to 18 per thousand over the same period. However, mortality among infants and young people remains high, at 135 per thousand in urban areas and 249 per thousand in rural areas.

36. Continuous efforts have been made in the area of health facilities, resulting in an improvement in the services available to the people. In 1988, there were 6.6 doctors, 2.9 pharmacists, 0.8 dentists and 35 nurses, health workers and medical technicians per 100,000 inhabitants, as well as community health workers and the health personnel of the armed forces, who also play a role in this area.

37. The main constraints and difficulties facing the health sector are (a) quantitative and qualitative shortcomings in staff, basically due to a lack of planning and management of human resources, (b) a shortage of staff with medical training, and (c) inappropriate training and employment of health workers.

(iii) Education sector in Senegal

38. Primary education: In 1988/89, school enrolment exceeded 655,000. Under the Seventh Plan, the enrolment rate dropped from 55.8 per cent to 55 per cent. The average annual increase in enrolment, which stood at 6 per cent from 1961 to 1978 and 6.7 per cent from 1978 to 1985, fell to 3.9 per cent between 1985 and 1988. The drop was sharper in the public sector, where the annual rate of increase fell from 7.9 per cent between 1978 and 1985 to 4.2 per cent between 1985 and 1988.

39. Middle-level education. In 1987 and 1988, 107,000 pupils received middle-level education, that is, 16.5 per cent of the population of that age. Over the period between 1979-1980 and 1987-1988, an increase of 64.9 per cent was recorded, from 69,500 to 107,000 pupils.

40. General technical secondary education. In 1987-1988, enrolment in the public and private sectors stood at 38,700; this is the level with the highest annual average rate of increase, namely 10.9 per cent, compared with 6.3 per cent for elementary education and 5.5 per cent for middle-level education. Despite a rise in total numbers, there is a relatively low promotion rate, giving an efficiency level of the order of 30 per cent, but - most importantly - substantial numbers of drop-outs, of the order of 35 per cent a year in 1990-1991. Of total numbers of 162,500 in the final years, 57,250 leave school without any immediate prospects of doing anything in life.

41. Higher education. Numbers in higher education are disproportionate in relation to the country's needs. Over a period of 10 years, the student body at the University of Dakar has grown from 11,677 students (1979-1990) to 18,000 if students in technical schools are included. The number of young people entering higher education is around 7,000. In the future, the number leaving will be at least as high. However, turnover among senior executives (2,000) in the modern sector and 3,500 middle-level executives and higher technical staff gives rise to at most 150 vacancies a year. And students are ill-prepared to work in the informal sector.

42. The level of efficiency in the education sector in Senegal is low, in various respects:

(a) Congestion in the earlier years leads to success rates of barely 10 per cent in many subjects. In the second cycle, no more than four graduates with a master's degree in physical sciences were produced by the system in June 1990. Because of the lack of positive scope for changing courses or reorientation, the overall cost per student has become exorbitant: between 1,283,000 and 2,371,000 CFA francs. Out of a total of 1,000 students (74 per cent of them Senegalese), 275 reach the fourth year and 265 obtain master's degrees in law; the figures are 397 and 389 in economics, 308 and 195 in the arts and human sciences, and 244 and 156 in science;

(b) The fragmentation of training facilities in Senegal, where there are as many as 200 institutions, including: 23 private institutions, 107 public institutions and 7 semi-public institutions.

Source: Ministry of Planning/World Bank report, September 1990.

C. Principal components of the policy of full employment

43. What is involved here is the elimination of all obstacles to adjustment on the labour market, such as possible distortions in the relative costs of technical inputs, labour and capital, as well as industrial incentives, in the educational and vocational training system, and also improvement of the tax, legislative, pricing, social and cultural environment in which enterprises operate.

44. From the beginning, for a long time the State equated the goal of full employment with that of growth in production, so that from 1960 to 1982 the Department of Employment saw itself as an agency responsible for job placement (manpower service), the application of social and labour legislation (Labour Directorate) and the management of the human resources of the State and public services (Civil Service Directorate).

45. The State, which over the first 20 years of independence set its sights on high and sustained growth in production so as to ensure an adequate level of employment and income, placed primary reliance on export crops, and a policy for accelerated industrialization and development of the semi-public sector, which seemed to offer a framework for the management of the strategic sectors, the revival of public investment, stimulation of the generation of equitable distribution of national wealth and the employment of newly trained executive and technical staff.

46. The results achieved by the end of the 1970s on the labour market, as well as the social implications of the macro-economic and financial imbalances, led the Government to revise its approach at the beginning of the 1980s, with programmes for stabilization, recovery, and then structural adjustment for the medium and long term starting in 1985. The State then decided to withdraw as far as possible from the production sector, to improve the management of public finances and to embark on sectoral policies for industrial and agricultural adjustment and specific actions to promote small

businesses and medium-sized industry and directly generate jobs and income, as an integral and intrinsic part of its policy of economic and social development.

47. The State's obligation to the citizen, even in the context of the liberal option where the bulk of economic power is in the hands of the private sector, means incorporating the right to work and to protection against unemployment and poverty in political and economic options, in social and labour legislation, and in sectoral development programmes.

48. Senegal, which has become a party to international conventions and covenants, including the Covenant on Economic, Social and Cultural Rights, has always argued for an integrated development strategy at the subregional level (through CEAO and ECOWAS) and the continental level (through African integration), as the only way of eliminating the major obstacles to the free movement of goods and services and the international migration of workers.

49. Accordingly, the plan of action contained in the development policy paper for 1985-1992 included, besides incentives for industrial production, other measures such as:

(a) Improvement of the operation of the labour market and simplification of social security regulations and procedures, with abolition of the monopoly of the manpower service in job placement, an evaluation of the efficiency of these services and implementation of reforms, as well as a review of some of the propositions underlying social and labour legislation, with the aim of ensuring greater labour mobility;

(b) Raising of manpower productivity and encouragement of job creation in firms, through (i) a study of the relations between labour productivity and wages, and the drafting, adoption and implementation of a plan of action for lowering the relative average cost of labour and increasing productivity; (ii) a study of reform of the system for financing social expenditure from employers' contributions, the adoption of conclusions and recommendations, the preparation and implementation of a plan of action, and (iii) a study of participation by workers in the ownership of firms and efforts to give them a stake in the results of the operations of those firms;

(c) Effective reincorporation of workers dismissed as part of sectoral adjustments, with extension of the existing reincorporation fund to other sectors and the elaboration, installation and entry into operation of a financing mechanism;

(d) Creation of a substantial number of permanent jobs in the economy by developing a private sector based on growth policies and the introduction of new opportunities for voluntary departure from wage-earning activities and for reincorporation.

50. At the institutional level, to prevent the effects of the economic crisis and the consequences of adjustment, the State has set up various structures that have helped to define and implement specific programmes for combating unemployment and underemployment. The Department of Employment, established in 1979 and raised in 1981 to the rank of Secretariat of State for

Employment, in 1987 became the Office for Integration, Reintegration and Employment (DIRE), and later the Employment Board, in April 1991. Other institutions were established specifically for this purpose (National Vocational Training Office, Public Works Executing Agency (AGETIP)), and a number of private agencies and NGOs participate in employment programmes and the restructuring of the educational and vocational training system.

51. Industrial restructuring, the form of the semi-public sector and the rehabilitation of public finance, under which recruitment has remained limited to needs compatible with the goal of deficit reduction, together with the implementation of "voluntary departure" operation, have inevitably resulted in an often relatively significant loss of jobs. Thus the Office of Integration, Reintegration and Employment, later the General Employment Board, was assigned two essential missions; first, shaping an employment policy and devising the instruments needed to implement it, in particular in the field of information on the labour market and employment planning and specific integration and reintegration programmes; second, setting up a vocational retraining mechanism for supervisors and persons laid off for economic reasons and other categories of wage-earners affected by the adjustment measures. Beginning with the ten years 1975-1985, in view of the risk of worsening urban underemployment and unemployment and of low productivity in rural activities, the State had set up programmes for the direct creation of jobs through the management of bread stands, model shops, micro-project support (GOPEC), and promotion of small rural projects (PPR) and the "supervisors" operation.

52. The adoption of the Employment Action Plan (PAPE) and of the Population Policy Declaration in 1988 were the result of an economic and financial analysis of the demographic and economic situation and of the various job placement programmes that had been and were being conducted in the context of the adjustment policy. Through the intervention mechanism of the National Employment Fund (FNE), the State tried an original approach to financing job placement programmes and actions, with an easing of loan conditions, better supervision and closer follow-up of promoters. It is obvious that this mechanism would ultimately be outstripped in the context of the specialized credit bodies, since support for the production system cannot be limited to financing micro-projects and small- and medium-sized businesses with support from the National Employment Fund (FNE) alone.

53. To facilitate access to young people to employment through workshops, training, remedial help and continuing education, employers concluded an agreement with the State in 1986 to help implement the National Convention which adopts a new approach to vocational retraining workshops and programmes for replacing foreign workers with Senegalese workers and for replacing employees of retirement age.

54. As regards international migration, to relieve the pressure of employment demand on domestic supply, the State has undertaken better to organize and control the migration of Senegalese workers to help them gain greater benefit from their stay abroad. Back in 1988, however, the plan of action had already stressed the need for regional economic integration to support development programmes in order to forestall the risk of seeing efforts to stimulate investments and economic growth thwarted by the narrow domestic goods and services market and by the international economic situation.

55. Concerning results, the priority Employment Action Plan, of which the 1989 programme of action for job creation for young people was a part, has been as significant as the previous emergency medium-term and long-term plans in 1982, even though the problem of employment, unemployment and underemployment remains a matter of concern.

56. Definite progress was made through the structural adjustment programme as regards payments, trade balance, public finance, the reform of the semi-public sector and the restructuring of the banking system. However, as the first phase of the adjustment comes to an end (1985-1992), growth in production has not yet recovered a sufficiently high and sustained rate to ensure an adequate income level. Thus, a leading feature of the problem of employment and income is low real income and heavy financial dependence among young people and women. In view of demographic features, the goal in the immediate future is the creation and better distribution of more wealth (GNP), even though it has been shown that the demographic growth rate (2.9 per cent) has a very strong impact on the country's development prospects. Thus it is generally agreed that it will be difficult for an economic development policy to succeed if a greater number of urban and rural Senegalese are not provided with a stable and remunerative job. The sensitive question for which the Government is trying to find a durable solution is how to provide a greater number of employable people who are either unemployed (nearly 500,000 by 2002) or underemployed with a stable and remunerative job in the framework of an active employment policy and of the National Employment Programme, the first phase of which coincides with the last phase of the Eighth Development Plan and the UNDP Fifth Programming Cycle (1992-1996).

D. Productive labour - labour productivity

57. Senegal's specific job-promotion policy, although it is broad-ranging is structured around programmes for the support of productive activities. The urban informal sector, with a set of very small-scale activities, self-employment and a low-capital-intensive apprenticeship and training mechanism, helps to create productive jobs, to absorb surplus labour in the context of adjustment and combat poverty. Support for medium-sized companies and industry is also of crucial importance, even though the strategy cannot ultimately be limited to the makeshift solution represented by the support funds.

58. Regarding productivity and incentives to industry, the World Bank has financed, in the framework of a support programme, a series of studies dealing in particular with the relationship between labour productivity and wages, a reform of the system for financing social costs paid by employers and profit sharing schemes for workers. The effects of the implementation of most of the measures of the action plans, aimed at correcting the distortions in the relative costs of technology, labour and capital, will have led, in growth terms, to gains in productivity and relative employment. It remains to be seen whether, at the macroeconomic policy level, the establishment of a link between productivity and the flexibility of the wages and salaries of less than 2 per cent of the working population, which is obviously an essential element in an active employment policy, will be taken into consideration by company heads.

59. Finally, it should be mentioned that Senegalese labour legislation includes incentives to productivity, in the form of productivity and output bonuses (arts. 91 and 85 of the Labour Code).

E. Conditions of employment do not jeopardize the political and economic freedoms of the individual

60. The political and economic freedoms of the individual are constitutionally guaranteed in Senegal. Freedom of movement, to form an association or a company, the right to own property, to work and to choose employment and the right to join or not to join a trade union are among the fundamental rights recognized for all persons living in Senegal. These rights and freedoms are also guaranteed in employment, the conditions for which can in no case undermine them. The courts strictly monitor the free exercise of these fundamental rights in the area of employment and do not fail to punish any violations brought to their knowledge.

F. Overview of technical and vocational training programmes

61. A feature of the first two decades following independence in Senegal was the enormous efforts to create training facilities for producers and for executives and high-level specialists. The secondary sector was still not entirely adequate, particularly in regard to middle-level specialists. In view of the large number of vocational training institutions and programmes, the problem of coordination was already keenly felt at the time.

62. In vocational training, the 1980s were marked more especially by the convening of the Education and Training States General, the creation of further institutions to administer, support and coordinate vocational training, the introduction of new training arrangements and a reform of some aspects of technical education. The National Education and Training Reform Commission (CNREF), set up by the Education and Training States General convened in January 1981, presented its findings in 1984. It proposed that training should be done by middle-level vocational training schools or by means of apprenticeships. It recommended, in its conclusions, that a distinction should be drawn between technical education in readiness for higher education and vocational training directly intended for working life; students with vocational training would have an opportunity to move on to higher education by switching between the various types of continuing education. The Education and Training Commission placed great emphasis on the need for continuing education that afforded opportunities for occupational retraining. It also suggested the establishment of administrative bodies and vocational training facilities.

63. At the same time, new administrative, support and coordination bodies for vocational training were established. For example, Secretariat of State for Technical Education and Vocational Training was created in 1983 to promote and administer vocational training in Senegal. It was done away with in 1984 and vocational training was assigned to the Ministry of Education, in which it is administered separately from technical education. Again, the National Vocational Training Office (ONFP), pursuant to the President's decision of 7 July 1980 at the Interministerial Council on technical education and vocational training, was created by Act No. 86-44, of 11 August 1986.

Under the Act, the National Vocational Training Office generally assists the Government in shaping its vocational training policy and in the legal, financial and technical follow-up to the policy.

64. Other new training facilities were created during the same period, including the National Professional Qualifications Centre (CNQP), the Vocational and Technical Training Centre (CFPT/SJ) and the Regional Vocational Training Centres (CRFPs).

65. The National Professional Qualifications Centre (CNQP) was established in 1986. It is a training facility with the status of an administrative public establishment and was created in response to a political readiness to establish closer ties between training and employment. Its Board of Administration consists of government, employers' and workers' representatives and the Centre has two main functions: to prepare unskilled school leavers for employment, and to provide further training for employees and training counselling for business firms.

66. The Vocational and Technical Training Centre (Senegal/Japan), a result of Senegalese-Japanese cooperation, was established in 1984 pursuant to decisions taken on 7 September 1982 by the Interministerial Council in connection with training for middle-level and maintenance staff. Its task is to train technicians for the public and private sectors by recruiting school leavers; to provide for further training, specialization, redeployment and advancement of professionals, and to assist young people leaving the Centre. The Centre must make available to public services and private firms qualified technicians in industrial maintenance at a level between the skilled worker and the advanced technician.

67. The Regional Vocational Training Centres (CRFPs) are the result of a project supported by the European Development Fund on the basis of a study conducted in three regions and along the Dakar-Thiès route to evaluate current and future employment needs in the production sector. They started up in 1982 and there are now five centres in the river valley and the southern part of the country.

68. Lastly, foreign partners - French, Belgian, Swiss and German - have also made valuable contributions to some training establishments, more particularly in connection with agriculture, hospital maintenance, or again, the fight against drought.

69. The 1980s ended with a reform of some types of education and changes in various technical certificates. The ones with a twofold purpose (further education and vocational training) were turned into a technical diploma for motor mechanics, boilermakers and metal workers.

70. In the early 1990s, the possibilities foreseen in the mid-1980s materialized when vocational training was separated from the Ministry of Education. This new stage in the education and training system was marked by the establishment of the Ministry of Labour and Vocational Training, something which constituted a genuine commitment to establishing a closer tie between vocational training and the workplace. Training, which had hitherto placed emphasis on initial training of young technicians, seems to have taken a new

turn. For example, all arrangements for training producers (farmers, fishermen and rural artisans) and for home economics (women's technical education centres) falling within the purview of the former Ministry of Social Development were transferred to the Ministry of Labour and Vocational Training. The same was true of the National Vocational Training Office, which technically came under the Ministry of Education.

71. The Ministry of Labour and Vocational Training was thus reorganized in two large departments: the Department of Labour and Social Security, and the Department of Vocational Training. The latter is split into two divisions: the Vocational Training Division, which administers all the facilities previously placed under that department in the Ministry of Education, and the Practical Training Division, which deals with training establishments that came under the former Ministry of Social Development.

72. Thirty-two years after Senegal's independence, the vocational training system has indeed made great strides, but it has not yet been properly directed towards incorporating people in the job market; selective development of technical and vocational training would have positive results over the short term. Persons with qualifications in higher technical education account for less than 25 per cent of all those with qualifications in higher education, who account for only 5 per cent of the unemployed. School certificate holders and university graduates seem to experience more difficulties in the labour market than others, who have better chances of success.

73. The specific features of the educational system, namely the long school and university period and the relatively long time before people find a job (an average of three years) mean that ultimately 40 per cent of workers have less than 30 years' service at 55 years of age and 7.9 per cent have reached or exceeded retirement age while still in employment in the private sector. Against such a background, the Government has embarked on a major programme to reform secondary and higher education and also restructured the vocational training system headed by the National Vocational Training Office with the support of the World Bank. Initiatives to supplement those taken by the World Bank in the Human Resources Sectoral Development Project (PDRH) are included in UNDP's fifth programme cycle (1992-1995).

74. Current economic studies point to substantial urban unemployment and underemployment, inefficient utilization of development potentials and human resources (women and young persons) and low productivity in the rural labour force. All this is due to an overall inability of the economy to create stable well-paid jobs, to distortions in the education and training system, to rapid and uneven population growth throughout the country and to differences between certain regions in human resources. Accordingly, the Government has endeavoured to find and apply, in its Development and Economic Programmes Strategy (1992-2002), lasting solutions for economic and social development problems, notably in regard to employment, unemployment, underemployment and poverty.

75. This political will has already been seen, in the case of employment, in the convening in 1982 and 1989 and in the near future of Interministerial Councils on employment policy, in major changes in the economic and social

development strategy and in substantial institutional rearrangements. It should be pointed out that the Government, in view of the deteriorating economic and social situation, has had to undertake stabilization and recovery programmes, followed up by sectoral policies, structural reforms of industry, agriculture, non-financial public enterprises and the banking system, and liberalization of the economy. These structural adjustments are aimed, among other things, at cutting down overall deficits and restoring a macroeconomic and financial balance so as to create the conditions for increased production and employment.

76. In terms of general objectives, the employment market adjustments were wholly or partly motivated by the global incapacity of the economy to create stable and remunerative jobs, the low productivity of the essentially seasonal production activities of the rural workforce, the steady decline in real per capita income, the inflexibility of certain provisions of social legislation in the labour sector, and the comparative advantage of capital over the labour factor.

77. Through the New Industrial Policy (NPI) and the New Agricultural Policy (NPA), the Government, as part of its general employment policy, had emphasized a reduction in the increasingly marked distortions in the system of industrial and economic incentives and disengagement of the State from the production of goods and services to the benefit of the private sector. A diagnosis of the national economy shows that one of the major challenges to be addressed by economic plans and programmes in the short term and during the ten years 1992-2002 is to eliminate, or at any rate substantially to reduce, the imbalances in the employment market - nearly 300,000 chronically unemployed persons, 20 per cent of the rural labour force underemployed and a similar number of women whose work requires upgrading by 1995. This is the challenge the Senegalese education system proposes to meet by the year 2000.

G. Difficulties in achieving full employment and ways of resolving them

78. The difficulties confronting a policy of full employment in Senegal are structural in nature, and their solution is a matter for the public authorities. In the present context, elaborating an active employment policy calls for an integrated, multisectoral regional development strategy, backed up by a National Development Plan (PNAT) and regional development plans, and maintaining of permanent adjustments in the production structure and consumption in order to ensure full and productive utilization of human and development potential.

79. The National Development Plan is making great strides, since the relevant draft legislation has already been tabled in Parliament or is in the process of being adopted.

80. Regarding the production structure, there is an urgent need to help the bodies responsible for designing employment policy and permanently adapting it to sectoral and global policies so that they are given greater consideration in the formulation and aims of sectoral development programmes, the human resources sectoral development project (PDRH), the UNDP outline programme for promoting employment and developing the private sector, and other projects.

81. The sectoral development of human structures, which is another dimension of an active employment policy since it tends to substantially modify and enhance the quality of employment demand, cannot be limited to family planning and population dynamics, but must also confer an important role on training, job creation and social protection.

82. In terms of overall economic and social policy, it is imperative to link efforts to resolve the problem of employment, unemployment and underemployment to the pace and level of economic growth, which, necessary though it is, does not automatically ensure an adequate level and quality of employment on the job market, given our country's stage and level of development. Consequently, the development of the private sector and employment through production growth necessarily entails: (a) industrial adjustment and qualitative improvement of production in the modern sector which, although providing only about 10 per cent of the work of the labour force, contributes 28 per cent of GDP; (b) the acquisition of appropriate technology in the agricultural sector, which employs 66 per cent of the labour force but accounts for less than 30 per cent of GDP; (c) adjustments in the level and composition of public investments (PTIP) in infrastructure and human settlements under the National Development Programme (PNAT); and (d) adjustment of commercial strategy and qualitative improvement of production and consumption through an appropriate prices and incomes policy.

83. In 1992, the general objectives are related to the following problems:

(a) The need to ensure that there are fewer and fewer members of the labour force without employment and immediately available on the labour market, i.e., that the rate of increase in the supply of jobs is appreciably higher than that of the demand for jobs, or, to put it another way, that the rate of increase in the demand for jobs is appreciably lower than that of supply, by reinforcing the overall capacity of the economy to create stable and remunerative jobs;

(b) The high rate of underemployment, low manpower productivity and the size of the economically inactive female population, which means that labour must be as productive as possible in all development sectors and that opportunities for workers and unemployed persons to acquire the necessary qualifications to occupy suitable jobs and to use their qualifications and gifts in those jobs should be increased;

(c) The urgent need to improve knowledge of the employment market and employment planning by taking account of the far-reaching changes in the basic assumptions of macroeconomic development and human resources planning models and to assess the validity of systems for analysing our economy from the modern and traditional angles, taking into account the stage of development, cultural realities and the social function of productive activity and household (particularly urban household) consumption.

84. To this end, the immediate objective is to establish institutional support by means of: an extension of UNDP assistance and a budgetary review of SEN/90/002; reactivation of the regional offices of the General Employment Board; the transfer of the achievements of projects SEN/87/013 and SEN/90/002 to interim UNDP assistance; start-up of the support unit for employment policy

and coordination of the National Employment Programme; finalization of the CESIA organizational audit and restructuring of the General Employment Board; and acceleration of integration programmes.

85. It is necessary to avoid any break in funding through discontinuation of financing for projects whose viability might be threatened by a delay in disbursements; to systematize preliminary technical and managerial training and make such training a condition for granting credits; to maintain the activities of the mechanisms for the evaluation and follow-up of projects and the monitoring of their technical execution; to substantially increase the resources of the National Employment Fund; to readjust retrocession agreements and cooperation contracts in order to finalize the 1,700 cases already prepared, including those in which repatriates would be the beneficiaries; to reduce opportunity costs for project implementation through self-help rather than execution by others, as necessary; to systematize the contribution of recipients by means of the credit granted and participation in the technical assembly of their project; to make it one of the Government's priorities to seek ways of implementing integration and reintegration programmes with the possibility of concluding an agreement with the economic promotion fund similar to that concluded with the National Commission for Government Contracts; within the framework of the National Employment Fund, to furnish specific assistance to struggling firms, where justified by an assessment of their potential; to rapidly determine possible ways of handing over to the Economic Promotion Fund a portfolio of projects among the 3,200 pending; and, finally, to institute, under the authority of the General Employment Board, pilot committees for the implementation of any project in support of micro-projects so as to ensure that the programmes concerned are coherent.

86. With a view to devising the National Employment Programme, it has also been decided to establish a committee to follow up the recommendations of the national symposium on employment; to revitalize the consultation mechanism (follow-up committee established in agreement with the donors), pursuant to the resolution of the Dakar meeting of 23 March 1990; to secure Government approval of the employment policy presentation and organize workshops and working groups, as recommended by the symposium; to prepare and organize a seminar/workshop on the investigation conducted by the Coordinated Action Office with a view to updating the national reintegration programme; to assign national consultants and seek international expertise for the purpose of evaluating assistance needs in respect of the formulation of an active employment policy which reconciles the sectoral objectives of the various components of the National Employment Programme with the aims of regional programmes and economic policy; to complete the analysis of the results of the employment survey and, in accordance with the terms of reference of the evaluation missions of June and October 1991, to reach agreement with the World Bank on the structural adjustment programme and on in-depth studies on the social dimension of adjustment and employment; to give appropriate publicity to the results of the survey, both at the government level and among donors (in particular the World Bank, which has carried out its own survey, but on the basis of a very small sample) and the public; to study the possibility of establishing a solidarity-unemployment fund (FONSOC) on the basis of the proposals made in a study submitted by the CNTS, and setting up an economic and social development institution, as advocated by the Ministry of the Economy, Finance and Planning; and, lastly, to set precise and

quantified objectives with a view to reducing the rate of urban unemployment, and of underemployment and increasing the capacity of the economy to create jobs and to determine their possible distribution in terms of sectors and vocational training by making an assessment of opportunity costs.

H. Exclusions, restrictions and discrimination in respect of employment or occupation

1. Exclusions and discrimination

87. It must be recalled that, when Senegal acceded to sovereignty, it made equality among all persons living in its territory, equality between men and women and the absence of any privilege based on race, sex, religion, family or origin a basic principle of its national policy. That principle is clearly defined in articles 1, 4 and 7 of the Constitutional Act.

88. At the international level, the Republic of Senegal acceded to the International Convention on the Elimination of All Forms of Racial Discrimination, signed in New York on 7 March 1966, and did so on 1 February 1972 in accordance with Act No. 72-10 of that date authorizing the ratification of the Convention. Senegal's accession to the Convention had a major impact on national legislation. Many texts, including the Penal Code and the Code of Criminal Procedure, were amended to bring them into line with the relevant provisions of that international instrument, which defines the term "discrimination".

89. In employment, the policy measures adopted by the Government of Senegal in keeping with the spirit of the ILO World Employment Programme relate mainly to the role of counselling and vocational training, free choice of employment, conditions of access to employment and jobs, positive discrimination aimed at protecting and assisting persons (minors and the elderly) on account of their sex (night work by women and children) or physical condition (physically disabled persons), family benefits (right to social security) and equal pay for equal work. It should also be noted that Senegal has allowed women to work in paramilitary professions, such as the police force.

90. Job deregulation and the improved flexibility of the job market were described in 1985 as a basic condition for economic growth and job creation. Most analyses show that the labour legislation is an obstacle to the necessary structural adjustments because it hampers the development of the modern private sector.

91. In this context, the amendment of the Labour Code led, inter alia, to the abolition of the job placement monopoly held by the National Manpower Service (SNO). The Government, which guarantees equality of opportunity and treatment in respect of job opportunities, undertook to reform the Service as an additional way of making it play its public service role and therefore authorized the establishment of private employment offices. The reform of the Service, the study of which was completed in 1986, and the plan of action submitted to the Government in 1987 did not receive donors' support in the context of PAGD. The National Manpower Service was therefore unable to play

its real role as a service for access to employment, a counselling centre for job seekers, data management and the organization of international migration by workers.

92. The successive revisions of the Investment Code and the Labour Code have also led on a number of occasions to adjustments to the labour market, but it has not always been possible to assess their impact because the modern wage-earning job market is tight and the informal sector is so large. Hence it can not be said that most of the regulatory restrictions in 1987 continue to affect the operation of the labour market, even though the improvement in mechanisms requires greater market flexibility.

93. For Senegal, a State subject to the rule of law, social and labour legislation cannot be dissociated from the mechanism for the operation of the labour market; the latter is based on the former, in which changes depend partly on the institutional framework, the political context and the economic and social situation, as well as on relations between workers, employers and the Government in its dual capacity as employer and administrator.

94. It is therefore paradoxical that, in their assessments, international development agencies have criticized the trade unions, whose main objective is to protect their members' interests, for the positions they adopt in the context of tripartite negotiations and draw attention to the opposition or reservations of Government officials to structural adjustment measures.

95. A distinction must be made between a government official who is a trade-union member and who expresses reservations or opposition to economic and social policy measures and a government official who is a member of a commission or group of experts and who, in the exercise of his functions, may or may not agree with the views of international agencies.

2. Discriminatory counselling and vocational training in the country

96. Discrimination based on race, religion, sex or nationality has no place in Senegal's system of education and vocational training. This principle is established in article 8, which provides that "Everyone is entitled to improve his knowledge, without hindrance, by using sources accessible to all" and in article 16 of the Constitution, which provides that "The Government and the authorities create the necessary conditions and public institutions guarantee the education of children". This principle is embodied in and confirmed by the first National Education Framework Act of 3 June 1971, article 1 of which states that: "Under this Act, national education shall be designed: (i) to raise the cultural level of the population; and (ii) to train men and women who are free and capable of creating the conditions for their own development at all levels, of contributing to the progress of science and technology and of providing effective solutions to national development problems".

Article 2 of this Act states that "Senegalese national education shall be democratic. It shall be based on the principle of the recognized right of all persons to receive instruction and training commensurate with their abilities and to take part in production in all its forms, according to their capabilities".

97. Act No. 91-22 of 16 February 1991 establishing the new National Education Framework Act also embodies the principle of non-discrimination and unambiguously defines its content. Under article 1, national education is designed:

> "(a) To pave the way for the full development of the nation as a whole. Its objective is to train men and women capable of working efficiently to build the country. It pays particular attention to the economic, social and cultural problems Senegal has encountered in its development efforts and its constant concern is to link the training it provides to such problems and the solutions they require;
>
> (b) To promote the values recognized by the nation. This is education for freedom, pluralistic democracy and respect for human rights to develop a sense of moral and civic duty, making men and women who are devoted to the common good, who obey the laws and rules of social life and who work to improve on them with a view to justice, equity and mutual respect;
>
> (c) To raise the cultural level of the population. Education enables men and women to acquire the knowledge they need for harmonious integration in the community and active participation in the life of the country; it gives them the ability to think and to form opinions; and it contributes to the development of science and technology, thus keeping the country abreast of modern-day progress."

98. Article 1 of amended Act No. 61-34 of 13 June 1961 establishing the Labour Code of Senegal provides that "A worker is anyone, regardless of sex or nationality, who has undertaken to carry out his occupation, in exchange for remuneration, under the supervision and authority of another public or private natural or legal person".

3. The main cases of distinction, exclusion or preference in respect of employment or vocational training

99. The present cases of exclusion in respect of employment in Senegal are based on sex, since women are not allowed to hold purely military and paramilitary jobs, except in the police force, to which they have access. These cases naturally give rise to discussion among members of the country's social class, with complaints by those who are in favour of equality between the sexes and who are working to prevent women from being excluded from such jobs.

4. Holding more than one full-time job and trends in this practice

100. Holding more than one job at a time, which is known as "moonlighting", is prohibited by articles 157 A to 157 F of the Labour Code, which make it a general offence punishable by a fine and a prison sentence. This practice is not very widespread, but holding a part-time job or carrying on an informal activity (small business) at the same time as a full-time job does exist in Senegal, although the impact on the working world is impossible to assess.

101. One problem that the Government and employers have trouble solving is that of retirement-age workers in the private sector, very few of whom exercise their right to a retirement pension at the age of 55 for reasons that include family expenses, low retirement benefits and the fact that their children, who have to support them in their old age, are unemployed.

I. Role of international assistance in the realization of the above-mentioned rights

102. The United Nations Development Programme (UNDP) and the International Labour Office (ILO) have enabled the Government of Senegal to enjoy technical and logistic support under project SEN/87/003 for the establishment of a retraining system providing refresher courses and retraining for supervisors, persons made redundant and other categories of wage earners affected by the adjustment measures. The principal result of this institutional support will have been the establishment of a retraining system and working bodies of the National Employment Fund, including decentralized, advisory, project evaluation, staffing, training and refresher training facilities through the "Entreprendre" project.

103. The audit mission on projected systems for the financing of the job integration programme carried out in July-August 1987, in cooperation with ILO and with financial provision from UNDP, contributed to the finalization of a plan of operation and assessment procedures, as a result of which an adjustment loan of 5 million francs ADF units of account from the African Development Bank (ADB) and of $US 5 million from the World Bank was made available to the Government to finance the National Employment Fund (NEF) after the NEF became operational in November 1987. However, release of the adjustment credit granted by the World Bank for the NEF, which was in any case heavily depreciated in 1991 relative to the rate of the dollar in 1987, could not be arranged at the Treasury. In that context, the rules and regulations of the NEF laid down by the Board of Directors and approved by ministerial order of the General Secretary to the Office of the President of the Republic lays down the conditions for assigning the NEF line of credit to the financial institution and for the granting of credits, the disbursement of each further instalment being subject to the accountability of the previous instalment by the Bank.

104. The assignment agreement sets the monthly drawing at 300 million CFA francs per management institution. Its utilization is, however, essentially determined by the level of the financial commitments of the NEF in granting credits, the disbursement of each subsequent instalment being subject to proper accountability of the previous instalment by the bank. The findings of the same assessment mission had led to definition of the competence of the Office for Integration, Reintegration and Employment (DIRE), a body in the Office of the President of the Republic, responsible for the management of the NEF, that was set up under Decree No. 1403 of 17 November 1987.

105. Regarding the results of such programmes, the purpose of which is social rather than economic, the Government has decided to give priority to an assessment of the socio-economic impact of the integration and reintegration operations supported by the NEF, the Special Fund and the FNZR on the basis of the survey carried out between March and May 1991 by the late Charbel Zarour

with the support of UNDP. The World Bank's June 1991 assessment mission considered that the conclusions of this study should be acted on during the execution of SAL IV, after consultation with the Bank. It should be possible for the actions envisaged to be included in the national employment programme that the Government undertook to draft and to carry out for 1992-1995 following the National Employment Symposium.

106. Furthermore, the Government of Senegal, reacting against a heavy inflow of workers and unemployed persons from Mauritania, requested assistance from the international community, when the emergency phase was over, for their economic and social reintegration fairly promptly. In this context, supplementary aid from UNDP was proposed for priority attention to this population, along with differentiation between the original groups targeted by the integration and reintegration programme and the persons repatriated from Mauritania, because of their numbers, the urgency, the political dimension of the event, the difficulties to be dealt with, and the conditions for NEF credit, but above all to the anticipated results of the search for finance. Support project SEN/90/002 for the resettlement of Senegalese repatriated from Mauritania, directly implemented by the Government, enabled statistical information on the repatriated population to be gathered and verified and led to the drafting of the National Programme for the Resettlement of Persons Repatriated from Mauritania and its submission to the donors' meeting on 23 March 1990.

107. UNDP support helped to strengthen DIRE's assessment and action capability by the establishment of an implementation, management and coordination unit, which is responsible for "economic reintegration", a programme for the resettlement of Senegalese repatriated from Mauritania. This unit, supported by UNDP project SEN/90/002, is in principle responsible for planning and coordinating the implementation of this national programme for the resettlement of repatriated Senegalese at both the central and the regional level.

108. Under the National Fund for the Resettlement of Senegalese Repatriated from Mauritania and an agreement worked out for collaboration with NGOs and implementing, monitoring and supervisory bodies, more than 600 files were examined, assessed and approved speedily in the first year of activity. The spirit of solidarity thus created in the donors' meeting will have been conducive to the mobilization of voluntary contributions from Senegalese workers totalling 320 million CFA francs in addition to the line of credit of the Islamic Development Bank (IDB) totalling 2,500,000 dollars, the second instalment of which will be disbursed shortly.

109. The aims and constituent parts of the national employment programme are set out in the concluding operating report of the National Symposium on Employment. In view of the priority given to employment, the Senegalese Government and UNDP have agreed that a third of the resources of the fifth UNDP programming cycle, 1992-1996, should be assigned to it. In that context, an employment policy support unit is to be set up in the Employment Board to deal with the assignment planned for the second quarter of 1992.

110. The priority aims of assistance from UNDP are concerned with: (a) the drafting of an active employment policy and the formulation of a national

employment programme for 1992-1995; (b) the establishment or the strengthening of the administrative bodies, technical finance instruments and executing agencies for the implementation of the national employment programme; (c) the promotion of the regional development in employment matters, including the systematic identification of pools of labour and special labour-intensive work programmes; and (d) the formulation of specific modules and programmes concerned with management training, retraining, qualification and requalification for target groups of the United Nations Fund.

II. The right of everyone to the enjoyment of just and favourable conditions of work as regards remuneration, a decent living, safety and hygiene, rest and leisure. - Article 7

A. Senegal as a State party to various labour conventions

111. It should first be noted that the Republic of Senegal is a party to the following Conventions of the International Labour Organisation: the Minimum Wage-Fixing Convention (No. 131), the Equal Remuneration Convention (No. 100), the Weekly Rest (Industry) Convention (No. 14), the Holidays with Pay Convention (Revised) (No. 132) and the Labour Inspection Convention (No. 129). For all these Conventions our country already submits reports to the competent body about their application in the labour and employment field. We shall therefore recapitulate some of the relevant provisions of these reports in this document.

B. Wages: trends in wage fixing

112. The wage is an essential element in labour relations, since the wage earner, in agreeing to submit to the authority of the employer and provide the employer with the services expected of him, expects in return to be paid a wage that should satisfy all the legal requirements (arts. 104 et seq. of the Labour Code). According to the articles in question, the wage must be fair, i.e. it must be in keeping with the monetary value of the service provided. This fairness also extends to equal work - the wage must be the same for all, whoever provides the service and without distinction as to colour, sex etc.

1. Wage-fixing methods

113. Wage-fixing methods vary from sector to sector, but the above-mentioned principle of equality applies in all instances. Thus, wages are fixed in the private sector by an inter-professional joint commission, which meets when convened by the Ministry of Labour and is made up of representatives of the professional organizations of workers and of the employers. Worker category wages are fixed by branch of activity on the basis of the guaranteed minimum wage (GMW), taking the existing classifications as the starting point. The decisions of this labour-management commission which are initially binding only on the unions that put their signature to them are subsequently extended by order of the Minister of Labour to all sectors of activity represented throughout Senegalese territory. Lastly, worker category wage scales are drawn up by the offices of the Ministry of Labour and submitted for signature by the members of the joint commission.

114. In the public sector, as far as the administration is concerned, the salaries of public servants are fixed on the basis of classification by the grades and steps laid down in the regulations. Each grade and each step corresponds to a certain number of points or an index. The value of the index point is fixed on the authority of the State, with regard for the macroeconomic balance and the cost of living.

115. A guaranteed minimum wage (GMW) exists in Senegal and is fixed by decree of the President of the Republic. The GMW does not apply to the agricultural occupations or to managerial categories in the private sector, although there is a GMW in that sector. The GMW is fixed by the State in the light of a number of factors that are determined in conjunction with the trade unions and the employers. Thus, in 1968, a joint (trade union and employer) commission fixed the quality and quantity of the products in a wage earner's shopping basket. The object of the exercise was to determine the minimum that would have to be guaranteed to the lowest paid wage earner to meet what were deemed to be essential needs. The data gathered were used to calculate the minimum hourly wage relative to the purchase price of the products involved. At this level, incidentally, there is quite a considerable discrepancy between the GMW and trends in the cost of living. For example, the theoretical GMW was 288.01 CFA francs in 1989, which yields a discrepancy of more than 86.95 CFA francs.

2. Wage trends

116. Wage trends are adverse in Senegal. For example, there was a large increase in the cost of living between 1985 and 1989. This imbalance essentially derives from the freezing of the GMW and wages between 1984 and 1989, the effect of which was greatly to reduce the purchasing power of wages and of public servants. As to the monitoring of the GMW, it should be recalled that it is determined officially and everyone is obliged to observe it. The Labour Inspectorate and the labour courts therefore keep a watch on wage and salary regulations. Infringements are punishable by terms of imprisonment and fines.

117. Unequal pay for equal work is unknown in Senegal. In this connection, attention is drawn to the relevant provisions of the Labour Code concerning the principle of equal pay for equal work for all, without any discrimination based on origin, sex or status.

C. Remuneration as between the private sector and the public sector (by month, in CFA francs)

118. Average wages are as follows:

Public sector

Civil service	135,000 francs
Public and semi-public	146,000 francs

Private sector

Senior management and similar	742,000 francs
Senior technicians and similar	458,000 francs
Technicians and supervisory staff	197,000 francs
Employees, workmen, labourers	92,000 francs

D. Requirements regarding safe and healthy working conditions

119. The general conditions regarding hygiene and safety at work are laid down in articles 156 and 163 of the Labour Code. In the case of the civil service, these conditions are prescribed by the general statute of civil servants and the particular statutes regulating the semi-public sector. The labour inspector is responsible for ensuring that these general conditions are scrupulously respected and he may report any offence, which will then be prosecuted in the correctional court. There is no category of workers that is not covered by the applicable occupational hygiene and safety regulations. With regard to statistical information on occupational accidents and occupational diseases, the following figures show that the situation is developing favourably and that their incidence is:

1982 - Number of occupational accidents: 14,295, including 36 fatal cases

- Number of cases of occupational disease: four, none of them fatal

1987 - Number of occupational accidents: 7,401, including 14 fatal cases

- Number of cases of occupational disease: three, none of them fatal

1991 - Number of occupational accidents: 4,262, including nine fatal cases

- Number of cases of occupational disease: two, neither of them fatal.

E. Equality of opportunity and promotion

120. This principle applies to all workers, both in the public and private sectors. They enjoy equality of opportunity and access to all jobs and normal career development, barring mishaps. In principle, no group of workers is denied the benefit of this principle, although women do not have access to strictly military functions. There are increasingly vociferous calls for the dismantling of this barrier impeding women from acceding to certain jobs.

F. Rest, leisure, limitation of working hours and holidays with pay

121. Articles 85, 134, 142 and 143 of the Labour Code regulate working conditions in great detail and establish the principles of a weekly rest period of not less than 49 hours, a 40-hour working week, and annual leave of two working days per month for workers who have been in Senegal for a period equivalent to 12 months and have their habitual residence there. Workers on detachment are given five working days of leave per month. Overtime worked beyond the lawful weekly limit is paid at the higher rate established by article 41 of the National Interoccupational Collective Agreement. It should also be noted that the Labour Code places particular emphasis on the working hours and rest time of women and children. Article 136 of the Code provides that "The rest period for women and children shall last at least 11 consecutive hours" and that "Night work by women and children in industry is still governed by the provisions of the Washington international conventions, extended to Senegal under the decrees of 28 December 1937".

122. Paid holidays are established by an Act of 1968 and include the National Day, May Day and religious holidays. Senegalese employers are taking a growing interest in the leisure of their workers. Many pay for their staff to go away on holiday or organize holiday camps for their children. These gestures, which are not required by the regulations, are greatly appreciated by Senegalese workers. There are no difficulties in company regulations regarding the exercise of the above-mentioned rights by workers, nor is there any category of workers debarred from exercising these rights in Senegal.

III. The right to organize and the conditions for the exercise of this right, as well as the right to strike. - Article 8

123. It should first be mentioned that Senegal is a party to the Freedom of Association and Protection of the Right to Organize Convention (No. 87) and the Right to Organize and Collective Bargaining Convention (No. 98), as well as to the International Covenant on Civil and Political Rights of 16 December 1966. Our country has already submitted reports to the various committees on the way in which these international conventions are applied in practice.

124. The general conditions for the formation of trade unions in Senegal are as follows: the right to organize has been recognized in Senegal since 1937, when the Popular Front Government in France granted this right to African workers, subject to numerous restrictions which long remained in force and disappeared only after the Second World War, in 1946. This enabled trade union federations affiliated to others in metropolitan France to emerge in Senegal: the General Labour Confederation (CGT), the African Confederation of Christian Workers (CATC) and the Federation of Workers (FO). However, this affiliation to French federations disappeared under the outline law of 1956, with the emergence of independent African trade union federations such as the General Union of Black African Workers (UGETAN) and the African Confederation of Workers with Religious Beliefs (CATC). These federations also disappeared with the accession to independence of the former French territories in Africa.

125. Accordingly, over the last 30 years or so, the right to organize has undergone very significant changes in Senegal, with many cases of trade unions

being formed, merging or splitting, which the new national labour legislation could not ignore. For that reason, article 20 (2) of the Constitution laid down the principle of freedom of association whereby "A worker may join a trade union and defend his rights through trade union activity under the conditions defined by law". The Labour Code of 15 June 1961 fleshed out this principle by regulating trade union activity in Senegal.

A. Substantive requirements and procedures for forming a trade union

126. The right to organize is accorded such importance in Senegalese legislation that it occupies title II of the Labour Code, after the general provisions. Article 4 of the Code defines the object of a trade union as follows: "The object of trade unions shall be exclusively to examine and defend economic, industrial, commercial, agricultural and craft-industry interests".

127. Article 5, referring to membership of the trade union, provides that: "Persons engaged in the same occupation, in similar trades or in related occupations, concerned with the preparation of specific goods, or in the same profession, shall be free to form a trade union". It adds that every worker or employer shall be free to join a trade union within his occupation or profession.

128. Article 6 of the Labour Code deals with the conditions for the formation of trade unions:

> "The founders of a trade union shall register the by-laws and a list of the persons who administer it in any way. The list shall indicate the first names, surnames, parents, date and place of birth and the occupation or profession of such persons.
>
> "The documents shall be registered, in triplicate, with an acknowledgement of receipt, with the relevant regional Labour, Employment and Social Security Inspectorate.
>
> "Within 30 days of such registration, any additions to the by-laws and the list of members of the trade union shall be sent by the Labour, Employment and Social Security Inspector to the Ministry of the Interior and to the State Prosecutor. The documents shall be accompanied by a report by the Labour, Employment and Social Security Inspector regarding the circumstances and conditions in which the trade union has been formed, and more particularly the date and place of the constituent meeting and the occupations of the members.
>
> "The State Prosecutor shall verify that the by-laws are in due and proper form and ascertain the situation regarding the requirements of articles 5 and 7 for each of the members administering the trade union.
>
> "Within a period of 30 days following the date of transmittal of the file by the Labour, Employment and Social Security Inspector or the State Prosecutor, the latter shall forward his conclusions direct to the Minister of the Interior, the Labour, Employment and Social Security Inspector and the trade union executives.

"In the light of the reports prepared by the Inspector and the State Prosecutor, the Minister of the Interior shall or shall not issue a receipt, pursuant to the provisions of article 812 of the Code of Civil and Commercial Obligations.

"On notification of the report by the State Prosecutor, any members he has declared to be disqualified from acting as executives or administrators of the trade union because they do not fulfil the requirements of articles 5 and 7 shall be regarded as excluded from executive or administrative posts in the trade union, even if the Minister of the Interior has issued the receipt; the persons concerned shall be entitled to appeal in the civil courts. Members declared to be disqualified from holding executive or administrative posts may not claim status as executives of the organization either with third parties or with public departments or with the labour courts. The trade unions shall be required to replace them.

"After the Minister of the Interior has issued the receipt equivalent to recognition of the existence of the trade union, the State Prosecutor may, in the event of a breach of articles 5, 7, 24 and 25 of the Labour Code, apply to the civil court for the trade union to be dissolved.

"The administrative bodies of the trade union shall be renewed at least once every two years at a general meeting. The members of such bodies shall be eligible for re-election.

"Changes in the by-laws and in the executive or administrative membership of the trade union shall be notified to the same authorities under the same conditions and verified under the same conditions.

"During the first half year following the end of the fiscal year the statutory executives of every trade union are required to submit to the Minister of Labour and the appropriate State Prosecutor's Office an annual report setting out, in particular, statistics on the membership, the amount of dues received and the financial situation, particularly the balance sheet for the previous year."

129. Articles 7 to 11 of the Labour Code deal with special conditions concerning the nationality of trade union executives, who must be Senegalese, have their legal domicile in Senegal and enjoy their civil and civic rights. Married women can join the trade unions of their choice without the permission of their husbands. Juveniles over 16 years of age can join trade unions of their choice and, except in cases of parental opposition, can continue to belong to the trade unions. They can, under the same conditions, withdraw from trade unions provided they have paid their dues for the previous six months.

130. Lastly, when a trade union is dissolved, article 12 sets out the conditions for the disposal of assets, which may not in any circumstances be distributed among the members.

131. Articles 13 to 22 of the Code stipulate the civil status of trade associations and their legal responsibility in situations involving law suits and the management of their assets.

B. Restrictions on the freedom to form a trade union

132. There are restrictions on the exercise of the right to form trade unions in Senegal. These concern a clearly defined category of workers with a very special status, namely members of the armed forces (in the broad sense), the paramilitary forces (police forces) and judges and magistrates. In fact, because of the stabilizing role such persons are required to play in Senegalese society, the public authorities have concluded that they should be refused the right to form trade unions which might interfere with their task. This exclusion is however offset by the unsolicited material and moral advantages which they enjoy.

133. The legal provisions establishing these restrictions are basically statutory, as set out in laws and regulations, including in particular: the statute of the armed forces, the special statute of the gendarmerie, the statute of the police force (Act No. 66-07 of 18 January 1966, art. 8); the statute of the magistrature (Act No. 84-21 of 2 February 1984, art. 10) and the statute of the Customs service (Act No. 69-64 of 30 October 1969, art. 8). These restrictions will not grow greater on account of the duties of those State services to maintain law and order.

C. Right of trade unions to establish federations and to join international trade union organizations

134. This right is doubly recognized in Senegalese law in so far as article 24 of the Labour Code provides that trade unions properly constituted under the law can freely act in concert to examine and defend their economic, industrial, commercial, agricultural and craft-industry interests. They can organize in any form of union. Article 26 confers on these unions all the rights granted to occupational unions. In addition, article 28 of the same Code recognizes that occupational associations are on the same footing as trade unions in everything concerning the defence of their industrial, commercial, agricultural and craft-industry interests.

135. As to the implementation of these legal provisions, it should be pointed out that trade union organization in Senegal is in the form of a pyramid. At the base trade union sections are run by an office which operates within companies and establishments. Trade union sections are organized by trade in a federation headed by a federal office. Trade union federations organize in a group known as a trade union confederation run by a nationwide confederal office. There are easily a dozen trade union confederations in Senegal and they consider their function to be one of coordination under the flexible structure which they have set up.

136. The right of trade union groups to join international trade union organizations stems from the freedom recognized by the Labour Code. The Senegalese groups are therefore members of the Organization of African Trade

Union Unity (OUSA), the inter-union agency of the Organization of African Unity (OAU). There are no legal restrictions on the right of Senegalese trade unions to organize in a federation and to join international organizations.

D. Freedom of association and collective bargaining

137. The principle of trade union freedom is the subject of chapter VII of the Labour Code, including article 9 which provides that:

> "Employers are prohibited from taking into account membership of a trade union or a person's trade union activity when making decision in particular on recruitment, the performance and division of work, occupational training, promotion, remuneration and social benefits, disciplinary measures and dismissal.
>
> "The head of the firm or his representatives shall not use any form of pressure for or against any organization.
>
> "Any measure taken by the employer contrary to the provisions of this article shall be considered as an abuse and cause for damages."

138. This legal principle is applied strictly in Senegal and no case has been reported of restriction on the activities of trade unions which, once again, operate freely throughout the country. The same principle is reaffirmed in article 85 of the Code in regard to the compulsory clauses of renewable collective agreements. Freedom of association and the freedom of opinion of workers are incorporated in such clauses.

139. As to the encouragement of collective bargaining, it should be noted that the Labour Code is comprehensive, as will be seen from article 79, which provides that "A collective labour agreement is a settlement on working conditions, concluded between, on the one hand, representatives of one or more trade unions or occupational groups of workers, and on the other hand, one or more associations or groups of employers or one or more employers taken individually."

140. Article 84 recognizes a renewable collective agreement as something exclusively for the most representative trade union organizations. Such a representative character is decided by the Minister of Labour, who is required to obtain the views of the relevant departments and to take account of the following factors: the membership and results of elections of staff representatives, the independence of the trade union, the dues, the union's experience and the extent and nature of its activity.

141. The right to collective bargaining is highly developed in Senegal, where there have been at least a hundred simple and renewable agreements in force for the past 60 years. This right is strongly encouraged by the public authorities, as it represents a substantial source of support for harmonious labour relations.

E. Right to strike and exercise of this right

142. The right to strike is recognized first and foremost in the Constitution, which states in article 20, paragraph 3, that "The right to strike is hereby recognized. It shall be exercised in keeping with the law. In no case can it threaten freedom of work." In implementation of this constitutional provision, the Labour Code regulates the right to strike in great detail, thus providing another means of solving a collective labour dispute.

143. Article 245 of the text provides that: "A strike or lock-out is lawful only when the Minister of Labour has notified the parties of his decision not to submit the collective difference to arbitration or when he refrains from giving such notification during a period of eight days following submission of the report of the conciliator." On the other hand, the strike cannot take place until after the conciliation process provided for in articles 232 to 237 and the arbitration procedure provided for in articles 238 to 244 of the Code have failed. However, such action should be seen not as representing any restriction on the right to strike but as a simple precaution because of the serious consequences which would result from a stoppage by the workers. The same caution guided the legislature when, in 1971, it introduced into the Labour Code an article 246 bis, on the workers' grievances in the event of a strike and stipulated criminal penalties for offences designed to hinder freedom of work.

1. Restrictions on the exercise of the right to strike

144. In principle public officials without the right to form a trade union cannot enjoy the corollary, namely the right to strike. The persons in question are the members of the armed forces, paramilitary units, and judges and magistrates, who, under their statutes, cannot exercise the right to strike.

2. Right to strike in the public service

145. The right to strike is also governed by Act No. 61-33 of 15 June 1961 on the Status of the Public Service, whereby the right of public officials to strike is subject to special conditions, including the requirement of prior authorization from the competent authority. They may also be conscripted by the authorities and any refusal to comply is considered a criminal offence and carries the corresponding penalty.

IV. The right of everyone to social security, including social insurance. - Article 9

A. Legal regime governing social security

146. The right to social security in Senegal is governed by a number of laws and regulations, including the Labour Code (Act No. 61-34 of 15 June 1961), the Social Security Code (Act No. 73-37 of 31 July 1973), the National Insurance Institutions (75-50), the Statute of the IPRES, and the Statute of the Public Service (Act No. 61-33 of 15 June 1961). The principle is that all

wage-earners and their family members should be covered by a social security system. Public officials enjoy a special system administered by the National Retirement Fund.

147. Social security is financed solely from employers' contributions to the system which deals with payments for family allowance and accidents at work. However, both employers and workers contribute to the health insurance system.

148. It should also be pointed out that the Republic of Senegal has acceded to International Labour Organisation Conventions on social security, including the Social Security (Minimum Standards) Convention No. 102 (1952) (Act No. 62-46 of 13 June 1962), and the Employment Injury Benefits Convention, No. 121 (1964) (Act No. 66-14 of 18 January 1966).

B. Social security branches

149. There are essentially five social security branches in operation in Senegal. They are described in the paragraphs below.

1. Medical care

150. Medical care is provided for wage-earners and their family members by social security institutions, namely the Social Security Fund, and the IPRES. The health insurance institutions (IPM) deal only with medical expenses for non-occupational illnesses and accidents.

2. Maternity benefits

151. Maternity benefits are paid by the family allowances branch of the Social Security Fund.

3. Benefits for accidents at work and occupational diseases

152. Compensation for accidents at work and occupational diseases is provided by the Social Security Fund, which pays an allowance to the person concerned or, in the event of his death, to his beneficiaries. Benefits are also paid to persons who have been partially disabled as a result of an accident at work.

4. Family allowances

153. Family allowances are paid to workers or their spouse subject to certain conditions. The Social Security Fund deals with these allowances.

5. Old-age pensions

154. The Senegal Institution for Retirement Insurance (IPRES) provides its contributors (workers) who have reached retirement age with a pension. The widows or widowers of contributors, dependent children, and contributors certified as unfit for remunerated employment may also be entitled to a full or partial pension in accordance with the regulations.

C. Principal characteristics of the present system

155. The principal characteristics of these various branches are as follows:

1. Medical care

156. Only State public officials are excluded from the health care provided for workers and their families by social security institutions, namely the Social Security Fund, the IPRES and the IPM. However, public officials are entitled to medical care in dispensaries, medical centres and public hospitals.

2. Maternity benefits

157. Maternity benefit is payable to the wives of wage-earners and working women whose husbands are not in remunerated employment, following the birth, under medical supervision, of an officially registered child. The entitlement begins the day the child is born and lasts until the child's second birthday.

158. All pregnant women workers are entitled to a daily benefit during the 14-week maternity leave, made up of 6 weeks prior to and 8 weeks following the birth. Maternity leave may be extended by a maximum of 3 weeks if the woman is suffering from an illness resulting from pregnancy and childbirth and unable to return to work.

3. Benefits for accidents at work and occupational diseases

159. Entitlement to these benefits extends to: all wage-earners, persons not employed as State public officials, workers covered by the Merchant Navy Code, apprentices, prisoners working as part of their sentence, and those insured by voluntary contributions. Occupational diseases are those listed in the table of occupational diseases.

4. Family allowances

160. Family allowances are paid to wage-earners, or unemployed persons for up to six months, and pro rata for each dependent child over two years of age. The age limit is raised to 18 if the child is in an apprenticeship and 21 in higher education or if, as a result of a disability or incurable disease, is unfit for remunerated employment.

D. Prevention of accidents at work and occupational diseases

161. In addition to its efforts to deal with and pay compensation for accidents at work and occupational diseases, the Social Security Fund draws up an annual programme aimed at preventing occupational hazards. The main points of the programme are:

(a) To collate information from the various categories of workplace so that statistics on accidents at work and occupational diseases can be compiled, bearing in mind their causes, their circumstances, their frequency and their effects, particularly with regard to safety and the degree of disability and injury caused;

(b) To undertake or order any surveys deemed useful with regard to workers' medical and social status, and safety and health conditions;

(c) To monitor whether employers are complying with safety and health measures set out in the regulations;

(d) To engage in publicity and awareness-raising campaigns targeted at both enterprises and the public, telling them how accidents and diseases can be prevented;

(e) To encourage, through subsidies or loans, teaching on preventive methods;

(f) To create and develop institutions, operations or services whose purpose is to promote and improve methods of prevention, rehabilitation and readjustment, healthy and safe conditions and, more broadly, action in the health and social fields.

162. Regulations in force in Senegal in the social field empower labour inspectors to invite any employer to take all justified prevention measures, including in particular the prominent display in each workshop or work site, for the attention of the workers, of the basic provisions of the regulations regarding accidents at work and occupational diseases.

E. General policy measures designed to ensure the realization of the right of everyone to social security and health protection

163. A study of the demographic, economic and social situation in Senegal in the year 1991 reveals the substantial efforts made in the social field and in health coverage. The situation is as follows:

(a) Population size

1976 census: 4,980,000

1988 census: 6,896,808

rate of natural increase: 2.9 per cent

(b) Geographical distribution of the population

urban population: 2,653,943

of which, Dakar: 1,488,941

growth rate in the urban population: 4.0 per cent a year.

(c) Breakdown by age

0 - 20: 3,976,783 (57.7 per cent)

20 - 59: 2,642,875 (38.3 per cent)

60 and over: 277,150 (4.0 per cent)

(d) Sex ratio: 95

(e) Fertility and nuptiality

median age of weaning: 18.8 months

ideal number of children: 6.8 (all women)

average interval between successive births: 33 months in 1978

median age at first marriage: 16.6 (age 20-49)

proportion never married: 0.5

(f) Contraception

awareness of contraceptive methods

all methods: 89.8 per cent

modern methods: 69.2 per cent

past use - all methods: 32.6 per cent

- modern methods: 6.3 per cent

present use - all methods: 10 per cent

- modern methods: 2.6 per cent

(g) Mortality and morbidity

life expectancy at birth: 54 years

adjusted infant mortality rate (age 0-1): 86 per cent

adjusted child mortality rate (age 1-4): 113 per cent

maternal death rate:

urban areas: 450 deaths per 1,000 births

rural areas: 950 deaths per 1,000 births

infant morbidity

prevalence of certain ailments

diarrhoea: 38 per cent (children under 5)

malaria: 50 per cent

(h) Vaccination coverage

BCG ..... 66 per cent

DTP ..... 44 per cent

Measles ..... 47 per cent

TAB1 (pregnant women) .. 48 per cent

TAB2 (pregnant women) .. 33 per cent

(i) Health coverage

number of inhabitants per doctor: 18,437

number of inhabitants per hospital: 441,000

number of women per midwife: 3,582 (planned)

number of inhabitants per health post: 11,300

(j) Economic and social situation in Senegal

GDP (current prices): 1604.8 billion CFA francs, compared with 1,452.3 billion in 1988 and 1,382.4 in 1987

GDP per capita: 208,000 CFA francs

unemployment rate: 12 per cent

activity ratio: 44 per cent

enrolment rate: 58 per cent

boys: 68.5 per cent

girls: 49.0 per cent

literacy rate:

men: 37.4 per cent

women: 18.0 per cent

ethnic breakdown:

Wolof	43.7 per cent
Pular	23.2 per cent
Sérère	14.8 per cent
Diola	5.5 per cent
Mandingo	4.6 per cent
Other	8.2 per cent

religion:

Muslim	94 per cent
Christian	5 per cent
Other	1 per cent

Sources: RGPH/MEN/EDS

164. It should be emphasized that all the general policy measures adopted by the Senegalese authorities are directed towards a single goal, i.e. enhancing living conditions and the quality of life and promoting the welfare of all categories of the population. In June 1989, Senegal adopted a national health policy, which is guided by two principles: the right to health for all citizens, and the need to approach health problems within the context of economic and social development through medicine which is preventive, educative, curative and social.

165. The principal features of this social health policy, based on the strategy of primary health care, are: improvement of health coverage, particularly in rural and semi-urban areas, improvement of the health of mothers and children, development of preventive and educational activities, rationalization of curative activities, rationalization and development of human, material and financial resources, and management of demographic variables.

166. These are, in summary form, the principal aspects of Senegal's policy in the field of social security and health coverage, one of man's fundamental rights.

167. In conclusion, it must be acknowledged that the description of Senegal throughout the world as a country subject to the rule of law is no slogan, but a palpable reality experienced daily by the people of Senegal, and, with them, the international community.